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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,315	05/24/2001	Eric Saurel	Q64632	1360

7590

09/09/2002

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EXAMINER
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LAMB, BRENDA A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 09/09/2002

4

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/863,315

Applicant(s)

Saurer et al

Examiner

LANB

Group Art Unit

1734

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 5/24/01
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-17 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-17 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 1734

### DETAILED ACTION

Claims 11-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation in claim 14 that the cylindrical grid is made in one piece with the die support is confusing since it is unclear how it further limits the structure of the die support with the only element of die support claimed by applicant at lines 1-2 of claim 14 is the cylindrical grid itself. Claim 11 is confusing since it is unclear how the recitation of an installation for applying coating further limits claim 1 upon which it depends which is drawn device for applying coating to an optical fiber.

Claims 11-13 and 15-17 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 15 depends on itself.

Claim 11 does not further limit claim 1 upon which it depends since it is drawn to a different invention - a installation for applying coating to an optical fiber.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 1734

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-3, 5-6 and 8-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kar et al 4,531,959.

Kar et al teaches the design of an apparatus for coating an optical fiber which is comprised of a die support 30, a grid 39, entry die 42 and exit die 38. Kar discloses the claimed invention except for an integral or one piece die support and grid. However, it would have been obvious to one having ordinary skill in the art at the time of invention was made to construct the Kar et al grid and die support as one piece since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. See Howard v. Detroit Stove Works, 150 U.S. 164 (1893). With respect to claims 2-3 and 5-6, Kar et

Art Unit: 1734

al shows that the entry die end exit die are arranged such that its outer diameter is greater than the inside diameter of the grid. Kar et al shows the radial face of the entry die is pressed against the first radial wall of the die support and the radial face of the exit die is pressed against the second radial wall of the die support. With respect to claims 8 and 15, Kar et al shows the outside diameter of the die support on each side of the grid is greater than the outside diameter of the grid. With respect to claims 11-13, Kar et al shows in Figure 2 that the coating apparatus includes a support 16 having a means for feeding coating around the grid (elements 26-27). Kar et al shows the chamber has a volume greater than inside volume of the grid. Kar et al teaches the coating liquid feed means include a plurality of passages discharging radially into the chamber (see Figure 3). With respect to claims 9-10 and 16-17, Kar et al appears to show the relationship between outside diameter of die support and inside and outside diameter of the grid.

Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kar et al 4,531,959 in view of either Guillemette et al.

Kar et al is applied for the reasons noted above. Kar et al fails to teach a hollow part screwed into the die support to press entry and exit die against the respective radial wall die support. However, it would have been obvious to modify the Kar et al coating apparatus by providing a hollow part such as shown in figure 1 of Guillemette et al (un-numbered element on far left side of figure 1 of Guillemette et al) to press a die in a coating apparatus into contact with a wall of the die support for the obvious advantage facilitating maintenance on the coating apparatus.

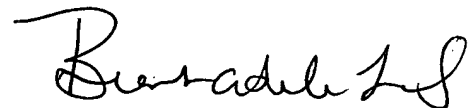
Art Unit: 1734

Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by EP 0.021,677 (Ohls).

Ohls teaches the design of a die support which includes a cylindrical grid with a receiver or opening on each side of the grid which is capable receiving a die Ohls appears to show in Figure 3 that the grid and receivers are formed as one piece.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Adele Lamb whose telephone number is 308-2051. The examiner can normally be reached on Monday and Wednesday-Friday with alternate Tuesdays<sup>off</sup>.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-0661.

  
**BRENDA A. LAMB**  
**PRIMARY EXAMINER**

BLamb:evh

8/27/02